

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FRANK J. VOTTA	)	
LYNN E VOTTA	)	
	)	
Plaintiffs,	)	
	)	C.A. 05-11133-WGY
v.	)	
	)	
AMERIPATH MORTGAGE CO.	)	
Defendant.	)	

**PLAINTIFFS' RESPONSE TO MOTION TO DISMISS**

The Plaintiffs have filed an Amended Complaint to address the issues raised in the Motion to Dismiss filed by the Defendant. Since no answer was filed by the Defendant, Plaintiffs are entitled to amend their complaint without Court approval. Accordingly, the Plaintiffs request that the Court enter an order denying the motion of the Defendant as moot.

Respectfully submitted,

/s/Christopher M. Lefebvre  
Claude Lefebvre, Christopher Lefebvre P.C.  
P.O. Box 479  
Pawtucket, RI 02862  
(401) 728-6060  
(401) 728-6534 (FAX)  
BBO# 629056

**CERTIFICATION OF SERVICE**

I hereby certify that on August 18, 2005, I electronically filed Plaintiffs' Response to the Motion to Dismiss with the Clerk of the District Court for the District of Massachusetts using the CM/ECF System. The following participants have received notice electronically: R. Bruce Allensworth, Esq.,  
and I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document and a copy of the Notice of Electronic Filing to the following non CM/ECF participants: None

/s/Maria J. Ferreira